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October 31, 2003

Mr. Ross Elliott  
Office of Solid Waste, MC 5304W  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, NW  
Washington, DC 20460

**RE: Petroleum Refining Process Wastes; Identification of Characteristically Hazardous Self-Heating Solids; Land Disposal Restrictions: Treatment Standards for Spent Hydrorefining Catalyst (K172) Hazardous Waste (October, 20, 2003; 68 FR 59935) RCRA-2003-0023**

Mr. Elliott:

The American Petroleum Institute (API) represents more than 400 member companies involved in all aspects of the oil and natural gas industry. API worked closely with EPA during the 1998 petroleum residual listing determination process on behalf of the stakeholders most impacted by the K172 and other petroleum residual hazardous waste listing decisions.

API has reviewed the notice of data availability (NODA), "Petroleum Refining Process Wastes; Identification of Characteristically Hazardous Self-Heating Solids; Land Disposal Restrictions: Treatment Standards for Spent Hydrorefining Catalyst (K172) Hazardous Waste," and we are beginning to prepare comments. However, we need more time to compile the requested data than the 45 days provided for in the NODA. API formally requests that the comment period be extended by 45 days to ultimately total a full 90-day comment period.

Due to limited resources and the following reasons, a 45-day comment period is too brief:

1. API had no prior knowledge of the petition made by the Vanadium Producers and Reclaimers Association
2. EPA recently published significant proposed revisions to the RCRA definition of solid waste regulations and a NODA regarding the RCRA burden reduction initiative, both of which also will require extensive review and comment development by API and its members within the same general timeframe.
3. Comments are due soon after the Thanksgiving holiday, which effectively eliminates several days from the 45 day comment period
4. There are no legal time constraints or other factors requiring the abbreviated comment period
5. Compiling data and/or running analyses on the data will take more time than a 45-day window provides.

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For the above stated reasons, we request a more realistic 90-day comment period.

Your prompt response is appreciated. Please feel free to contact me to discuss this request.

Sincerely,



Cindy Gordon

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cc: Bob Springer

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